

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

GERARD K. PUANA, RICKY L.
HARTSELL, AS TRUSTEE OF THE
FLORENCE M. PUANA TRUST;

Plaintiffs,

vs.

KATHERINE P. KEALOHA, LOUIS M.
KEALOHA, MINH-HUNG NGUYEN, MINH-
HUNG "BOBBY" NGUYEN; DANIEL
SELLERS, NIAL SILVA, WALTER
CALISTRO, DRU AKAGI, JOHN
AND/OR JANE DOES 1-50, DEREK
WAYNE HAHN,

Defendants.

CIV. NO. 16-00659 LEK-WRP

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION TO GRANT PLAINTIFFS'
MOTION FOR DEAFULT JUDGMENT AGAINST LOUIS M. KEALOHA**

On March 3, 2023, Plaintiffs Gerard K. Puana and Ricky L. Hartsell as Trustee of the Florence M. Puana Trust (collectively "Plaintiffs") filed a Motion for Default Judgment as to Defendant Louis M. Kealoha ("Default Judgment Motion"). [Dkt. no. 460.] On August 31, 2023, the magistrate judge issued the Findings and Recommendation to Grant Plaintiffs' Motion for Default Judgment Against Louis M. Kealoha ("F&R"). [Dkt. no. 477.] On September 5, 2023, Defendant Louis M. Kealoha ("Kealoha") filed a Motion to Set Aside Entry of Default and Default Judgment, dated July 31, 2023 ("Motion to Set Aside").

[Dkt. no. 478.] An entering order denying the Motion to Set Aside was issued on September 7, 2023 ("9/7 EO"). [Dkt. no. 480.] The 9/7 EO reiterated that any objections to the F&R were due within fourteen days after service of the F&R. [Id.]

On September 21, 2023, Kealoha filed a Declaration of Louis M. Kealoha ("Declaration") with the same Motion to Set Aside attached. [Dkt. no. 481.] In the Declaration, Kealoha attested that he sent the Motion to Set Aside on July 31, 2023, but received the envelope back on August 28, 2023 as undelivered. [Declaration at ¶¶ 2-3.] Kealoha also states there have been issues with the prison mail system that "have significantly impacted the time that [his] mail would be received by the court." [Id. at ¶ 5.]

Although Kealoha states the mail he has sent to this district court has been delayed, he has not established that the mail sent to him **from this district court** has been delayed. Therefore, this Court assumes that Kealoha received the F&R and the 9/7 EO in a timely manner and that he was aware of the deadline to file any objections.

No objections to the F&R have been filed. Therefore, it is HEREBY ORDERED that, pursuant to 28 U.S.C. § 636(b)(1)(C) and Local Rule 74.1, the F&R is adopted as the opinion and order of this Court.

In light of the adoption of the F&R, Plaintiff's Default Judgment Motion is GRANTED.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, September 29, 2023.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

GERARD K. PUANA, ET AL. VS. KATHERINE P. KEALOHA, ET AL; CV 16-00659 LEK-WRP; ORDER ADOPTING THE MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION TO GRANT PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AGAINST LOUIS M. KEALOHA